

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, February 5, 2014

PRESENT: Mr. Archibald, Mr. Groesbeck, Mr. Kruszynski, Mr. Self, Mr. Tornichio

ABSENT: None

Chairman Self called the meeting to order followed by roll call.

Mr. Kruszynski MOVED approval of the agenda. Motion was seconded by Mr. Archibald and PASSED by majority voice vote.

Mr. Kruszynski MOVED approval of the January 15, 2014 minutes. Motion was seconded by Mr. Archibald and PASSED by majority voice vote.

PUBLIC HEARINGS

PC 14-2 & PC 14-3, Sikh Religious Center, ASRA & Conditional Use

Clerk Gillaugh read the notice of public hearing on an application filed by Dr. Daljeet Singh, 2812 Maginn Drive, Beavercreek, OH 45434. The applicant requests an Administrative Site Plan Review and Approval (ASRA) and a conditional use approval to construct a 3,200 square foot place of religious assembly on 2.06 acres of land located on the west side of Factory Road approximately 650 feet south of the intersection of Richmar Drive and Factory Road. The property is further described as Book 6, Page 14, Parcel 113 on the Greene County Property Tax Atlas.

Dr. Kuldip Rattan, one of the Trustees of Sikh Religious Center, stated they are requesting a conditional use and ASRA approval for the land currently owned by the FOP Lodge. He explained they are proposing to build a Gurudwara/Temple for worship, and the building will primarily be used on Sunday. Dr. Rattan estimated they will hold another 10 to 12 occasions throughout the year. He stated they have about 50 members, and are a smaller community. Their services currently are held at KOP, Knight of Pythias, and they have been holding services in Beavercreek for a long time.

Stephen Butler, Community Civil Engineers, stated they have all the utilities they need for the site along Factory Road. He explained the access to the site will be off the park access drive, which they are working with staff to finalize how that is going to work. Mr. Butler stated there are topography issues with the site and a large portion of the property is in the Floodplain, so they are trying to keep the building out of it. He said they met with City staff to review their application, and were available for any questions the Commission may have.

Mr. Burkett summarized the staff report dated January 31, 2014, which stated the applicant is requesting approval of a detailed site plan and related improvements to allow for the construction of a 3,200 square foot place of religious assembly on two acres. He discussed the location of the property, the zoning classification for the property under discussion, the surrounding properties' zoning classifications, the setback and buffer requirements, the access points, the park access drive, the parking requirements, the Floodplain requirements, the building elevation and building

BEAVERCREEK PLANNING COMMISSION, 2/5/14

materials, and the landscaping plan. Staff recommended approval of the case with 18 conditions.

In written input, Roger McDaniel, President of Duncan Oil Company, submitted a letter supporting the request. The letter is attached.

There being no further public input, the public hearing was closed.

Mr. Kruszynski asked where the dumpster was going to be located. Mr. Butler stated they will not have a dumpster, and they will use a tote that will be stored inside the building. Mr. Kruszynski questioned if the applicant was aware of the 18 conditions, and was in agreement with them. Mr. Butler said they read over the report, and did not have any objections. Mr. Kruszynski thought it was a beautiful building and thought it would be a nice addition to that area. He asked Mr. Burkett to discuss the Floodplain area and asked if it would satisfy the Federal, State and Local requirements. Mr. Burkett said originally the applicant wanted to locate the building where it would have been located in the Floodplain, but the proposed location is not within the Floodplain area. He discussed what requirements the applicant would have to meet if the building was located in the Floodplain. Mr. Kruszynski asked if the building was for worship only, and it would not be used for a living facility. Mr. Burkett said there is no intent for anyone to live inside the building.

Mr. Archibald thought it was going to be a wonderful addition to that neighborhood.

Mr. Self questioned if this parcel was old left over zoning from the Township because the lot is relatively small for B-3 zoning. Mr. Burkett said that was acquired when the City was incorporated. Mr. Self asked if there could be a reason to rezone the property at the same time simply as a clean-up because he thought B-3 zoning was not really appropriate abutting residential. Mr. Burkett stated the City has never initiated a rezoning. Mr. Self assumed much like the old Furrows building on Indian Ripple that once a place of religious assembly goes in that it isn't going to change anytime soon. He explained he was concerned about an inappropriate B-3 zoning use going there in the future. Mr. Burkett said one of the best uses staff could think of abutting a residential property was a place of religious assembly.

Mr. Self noticed the plans said a "future proposed expansion area", and questioned if they would need more parking. Mr. Burkett said they would. Mr. Self said from the drawings he only saw one entrance into the building and no windows, and asked if that met Fire Code. Mr. Burkett explained that was a discussion at a review meeting, and he was told by the Fire Department as long as no one is living there one entrance/exit was fine. Mr. Butler stated there was going to be a second entrance, and they have talked about there being no windows. He explained the thought right now was that they might be interested in putting windows where the arches are and also on the rear of the building to break up the long wall. Mr. Self explained he was more concerned about a second exit than windows.

BEAVERCREEK PLANNING COMMISSION, 2/5/14

There was a discussion between staff and the Commission if the cases should be voted as one motion or two.

Mr. Tornichio MOVED to approve PC 14-2 with 18 conditions:

1. The approved plans for this development shall be the plans stamped "Received January 28, 2014", except as modified herein.
2. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of any zoning permit for this project.
3. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
4. Any portion of the site disturbed by grading, and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover free of noxious weeds and construction debris and shall be properly maintained.
5. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of materials to match the building. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
6. A Development Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to the release of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
7. Wall and/or ground signage shall adhere to the regulations set forth in the Zoning Code for B3 districts. The final design and location shall be subject to review and approval by the Planning Department prior to a release of a permit for the sign. If constructed, the ground sign shall be set in a base that shall be constructed of the same brick as used to construct the principal structure.
8. Any wall signs shall be individually mounted channel letters, the use of raceways or painting of letters on the wall shall be prohibited
9. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 16 feet, and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights

BEAVERCREEK PLANNING COMMISSION, 2/5/14

in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.

10. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
11. No portion of the building may be occupied for the first time or reoccupied later until and unless an application of a Certificate of Use Compliance has been submitted to the City by the property owner or by the prospective occupant. No such occupancy may occur until the application of Certificate of Use Compliance has been approved and issued by the City.
12. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of a permit for the project.
13. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls). Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
14. Material and color samples of the brick and stucco used to construct the principal building shall be submitted to the Planning Department for review and approved prior to the issuance of a zoning permit.
15. A final subdivision shall be approved by Planning Commission and recorded with the Greene County Auditor's Office prior to the release of a zoning permit for this project.
16. Prior to release of the record plan for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for the purpose of ensuring the Nutter Park access drive is brought up to public standards. If the City Engineer does not require the applicant to bring Nutter Park access drive up to public standards, the applicant shall execute a maintenance agreement between the City of Beavercreek and the Sikh Religious Center of Dayton for maintenance and snow removal for their portion of the Nutter Park access drive. This maintenance agreement shall be executed prior to the release of the record plan for recording.
17. The exterior construction hours shall be limited to 7 a.m. to 7 p.m., Monday thru Saturday.
18. This ASRA approval shall be considered approval for Conditional Use by Planning Commission, as required in Section 158.171 (C) of the Zoning Code.

Motion was seconded by Mr. Archibald. Motion PASSED by a roll call vote of 5-0.

BEAVERCREEK PLANNING COMMISSION, 2/5/14

Mr. Groesbeck MOVED to approve PC 14-3 with 17 conditions:

1. The approved plans for this development shall be the plans stamped "Received January 28, 2014", except as modified herein.
2. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of any zoning permit for this project.
3. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
4. Any portion of the site disturbed by grading, and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover free of noxious weeds and construction debris and shall be properly maintained.
5. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of materials to match the building. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
6. A Development Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to the release of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
7. Wall and/or ground signage shall adhere to the regulations set forth in the Zoning Code for B3 districts. The final design and location shall be subject to review and approval by the Planning Department prior to a release of a permit for the sign. If constructed, the ground sign shall be set in a base that shall be constructed of the same brick as used to construct the principal structure.
8. Any wall signs shall be individually mounted channel letters, the use of raceways or painting of letters on the wall shall be prohibited
9. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 16 feet, and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.

BEAVERCREEK PLANNING COMMISSION, 2/5/14

10. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
11. No portion of the building may be occupied for the first time or reoccupied later until and unless an application of a Certificate of Use Compliance has been submitted to the City by the property owner or by the prospective occupant. No such occupancy may occur until the application of Certificate of Use Compliance has been approved and issued by the City.
12. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of a permit for the project.
13. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls). Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
14. Material and color samples of the brick and stucco used to construct the principal building shall be submitted to the Planning Department for review and approved prior to the issuance of a zoning permit.
15. A final subdivision shall be approved by Planning Commission and recorded with the Greene County Auditor's Office prior to the release of a zoning permit for this project.
16. Prior to release of the record plan for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for the purpose of ensuring the Nutter Park access drive is brought up to public standards. If the City Engineer does not require the applicant to bring Nutter Park access drive up to public standards, the applicant shall execute a maintenance agreement between the City of Beavercreek and the Sikh Religious Center of Dayton for maintenance and snow removal for their portion of the Nutter Park access drive. This maintenance agreement shall be executed prior to the release of the record plan for recording.
17. The exterior construction hours shall be limited to 7 a.m. to 7 p.m., Monday thru Saturday.

Motion was seconded by Mr. Tornichio. Motion PASSED by a roll call vote of 5-0.

DECISION ITEMS

PUD 02-1 MOD 1/14, The Greene, Building P, Minor

Ms. Pereira summarized the staff report dated January 27, 2014, on a request by Lori Bongiorno, Meacham and Apel Architects, 775 Yard Street, Columbus, OH 43212. The applicant is requesting approval of a 10,055 square foot three-tenant building within The Greene. Ms. Pereira discussed the location of the property, the elevations and building

BEAVERCREEK PLANNING COMMISSION, 2/5/14

materials, the dumpster enclosure, and the parking requirements. Staff recommended approval of the case with seven conditions.

Mr. Tornichio thought this was a quality development and it goes well with the general character of The Greene.

Mr. Kruszynski asked what kind of landscaping was expected along the northern property line. Ms. Pereira said they normally want to see landscaping around the base of the outdoor patio area, and they want to make sure the landscaping is consist on both sides of Greene Boulevard. Mr. Kruszynski questioned if the patio was going to be elevated or not. Ms. Pereira said it will have to be elevated some because of the elevation level in that location. Mr. Kruszynski asked if the landscaping would buffer that elevated outdoor patio. Ms. Pereira stated that is what staff will be looking for. Mr. Kruszynski wanted staff to be very vigilant in the landscaping because it is the entrance into The Greene.

Mr. Archibald said in Condition #6 the word "for" need to be changed to "from".

Mr. Groesbeck agreed with staff there was plenty of parking in the lot, but with the set asides for Flemings and Mimi's Café, that end of the lot will be full. Ms. Pereira said they did discuss this with the applicant since staff had noticed an increased amount of reserved spots. She explained where the reserved spaces were, and said they conveyed to the applicant that staff understands it is a life style center and a person is supposed to park and walk to their destination, but there is some sort of expectation to be able to park generally close to the area a person wants to go. She said if all those spaces are reserved then parking is an issue. Ms. Pereira explained the applicant is currently working with Flemings to rework the reserved spaces to somewhere else so there is parking there. She explained she did not see an issue with Mimi's Café parking spots because they were further away. Mr. Groesbeck thought this was another nice addition to The Greene, and had no concerns with it.

Mr. Self referred to the west elevation, and said it is the back side of the building. Ms. Pereira explained people will be parking on the east and entering the building on the east. Mr. Self said usually there are service doors on the back side of the building, and questioned if they are going to bring their supplies in through the front door. Ms. Pereira said there is no indication on the plans that shows there will be service doors on the back, and thought everything will be brought through the front doors. Mr. Self said the Commission typically requires the man doors would be painted to match the building when they have a four-sided architectural building, but wasn't sure if they needed to add a condition regarding that since none were shown. Ms. Pereira agreed a condition needed to be added regarding the man doors.

Mr. Self asked if any parking would be deleted by the construction of the building. Ms. Pereira replied no parking spaces would be removed other than the dumpster area. Mr. Self questioned if the building will be set back enough to allow for the same line of trees that exist along Greene Boulevard. Ms. Pereira said that is what they indicated on their plan.

Mr. Kruszynski MOVED to approve PUD 02-1 MOD 1/14 with eight conditions, adding Condition #8:

1. The plan stamped "Received January 29, 2014" shall be the approved plans except as modified below.
2. A detailed landscape plan, consistent with the surrounding landscaping shall be reviewed and approved by the Planning and Zoning Department prior to the release of a zoning permit for the building.
3. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes, as originally planted, within three months, weather permitting.
4. The applicant must obtain a zoning permit issued by the City of Beavercreek prior to construction of the shell building and must obtain tenant improvement permits for each tenant prior to their occupancy.
5. There shall not be any downspouts, scuppers, ladders, and storage areas visible on the exterior of the building.
6. Any roof top units and mechanical equipment shall be completely screened from public view.
7. A PUD Agreement for any public improvements and/or erosion control will be required prior to the release of zoning permit.
8. All service doors on the building must be painted to match the color of the building.

Motion was seconded by Mr. Archibald, and PASSED by a roll call vote of 5-0.

DISCUSSION ITEMS

Land Use Plan Amendment Discussion

Mr. McGrath stated he was requesting the Commission to authorize staff to advertise a public hearing for a Land Use Plan Amendment at the next regularly scheduled meeting in March. He stated the land under discussion is currently owned by Miami Valley Research Park and is a property that has been in previous Land Use Plan discussions more as a placeholder and an indication of the level of concern with the density locations. He explained with the property being owned by the park at one point, there was a proposal to designate the property as Research Park/Office type uses, but giving the sensitivity of other adjoining residential neighborhoods the designation was not changed. Mr. McGrath said they would be looking at a change from Low-Density Residential to more of a condominium/apartment style classification with a mixture of a Medium Density and a High Density, but he thought all those details would come at the same time as the Land Use Plan Amendment. He said if the Commission authorizes staff to move forward with the advertisement, he thought they would probably present

BEAVERCREEK PLANNING COMMISSION, 2/5/14

the rezoning case first at the March meeting so the Commission can get more details on what would be considered with the Land Use Plan Amendment. He said that decision would be deferred until after the Commission hears the Land Use Plan Amendment proposal and makes a recommendation on that to City Council followed up by the recommendation of the rezoning case. Mr. McGrath explained the Land Use Plan document states that all amendments shall be initiated by staff through the Planning Commission, so staff is requesting permission to hold a public hearing on it.

Mr. Self questioned if there had been approval for a church building on the northeast corner of Grange Hall and Shakertown Roads, and questioned if it was no longer part of this parcel. Mr. McGrath stated it is a 25 acre parcel that is carved out of this property, and there have been no approvals on that property yet. He explained it was a straight transfer from the Research Park to the church, and Planning Commission reviewed a subdivision to create the lot.

Mr. Groesbeck said he understood they were at the very beginning stage, but he was curious to know if this would warrant a traffic light at Grange Hall and Shakertown Roads. Mr. McGrath stated they have had numerous conversations with this developer and explained it is a different type of product. He said the Land Use Plan classification back in 2008/2009 significantly lowered the cap on densities as to what are classified as high and medium densities. He explained the one that is being considered is single story ranches and probably less than six units per acre. Mr. McGrath said significant traffic improvements are anticipated and required based on the Thoroughfare Plan approved by Planning Commission and City Council. He explained he wasn't sure if the traffic light issue would be addressed specifically with this case because it will be located on the far eastern end of the Research Park property. Mr. McGrath said those traffic demographics will be a consideration of the rezoning and the specific site plan. Mr. Groesbeck said that was a congested area and if they are looking to develop that site, he would not want the City to lose track of what he considers to be the need for a traffic light.

Mr. Self said typically a person would think that multi-family would generate more traffic than single family, but that is not the case. He said any additional trips on Shakertown Road there would have to be a left turn lane added at Shakertown and North Fairfield Roads eastbound.

Mr. Tornichio said this whole process is giving staff the authorization to pursue a Land Use Plan Amendment. Mr. Tornichio stated to speculate something that is not even before them is very premature and judging an issue they don't know. He felt they needed to let the process work itself out before they made conjecture and speculation.

Mr. Archibald MOVED to give staff the authority to advertise for a Land Use Plan Amendment, seconded by Mr. Kruszynski. Motion PASSED by a roll call vote of 5-0.

Mr. McGrath said at the next meeting there will be a reorganization and City Council will review and appoint the members to the Boards, Commission, and Committees at the February 24th Council Meeting. He explained Mr. Archibald and Mr. Groesbeck seats

BEAVERCREEK PLANNING COMMISSION, 2/5/14

are expiring, and said Mr. Archibald has reapplied for his, but Mr. Groesbeck has decided not to at this time. Mr. McGrath thanked Mr. Groesbeck for his services to the Planning Commission and all the great work and comments he has provided to make the City as good as it could be during his time of service. He said staff sincerely appreciates his service and volunteer work, and wished him good luck in his future endeavors.

Mr. Tornichio echoed Mr. McGrath comments. He said he had the privilege of working with Mr. Groesbeck on the Board of Zoning Appeals, and the dedication and level of commitment, and the analytical process that Mr. Groesbeck goes about in handling the cases has always been professional. He has served the City well, and thanked him for his service.

Mr. Tornichio MOVED adjournment at 7:57 p.m., seconded by Mr. Groesbeck. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk